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November 14, 2014

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: **GN Docket No. 14-28**
Notice of Oral Ex Parte Presentation

Dear Ms. Dortch:

On November 12, 2014, undersigned counsel to the Wireless Internet Service Providers Association (“WISPA”), met with Chairman Tom Wheeler and Commission staff to discuss the above-referenced proceeding.¹ A list of industry and Commission attendees is attached hereto.²

I explained that WISPA’s members – wireless Internet service providers, or WISPs – rely on unlicensed spectrum to provide fixed wireless broadband service to small communities and rural areas. Unlike providers of telecommunications services, WISPs are not eligible to receive federal USF support and thus fund deployment and operations with private capital. I added that many WISPs have extremely small staff, often just a few employees, and are focused on expanding their networks.

I emphasized the Commission’s obligation to consider the interests of small broadband providers in adopting open Internet rules.³ I stated that the open Internet rules adopted in 2010 were adequate and that there was no evidence of bad behavior by small broadband providers to warrant any change. I explained that any additional disclosure and reporting obligations, as proposed in the *NPRM*,⁴ would create substantial burdens for WISPs, whether under Section 706 authority or under Title II authority. I provided an overview of these increased burdens and costs and their adverse consequences:

¹ *Protecting and Promoting the Open Internet, Notice of Proposed Rulemaking*, Notice of Proposed Rulemaking, 29 FCC Rcd 5561 (2014) (“*NPRM*”).

² WISPA understands that an ex parte letter on behalf of the other industry attendees will be filed separately. This notice summarizes the undersigned’s presentation at the November 12, 2014 meeting.

³ See Regulatory Flexibility Act of 1980, Pub.L.No. 96-354 Section 2 (1980); see generally 5 U.S.C. §§ 601 *et seq.* In addition to its Comments in response to the *NPRM*, WISPA filed separate Comments regarding the Commission’s Initial Regulatory Flexibility Analysis. See Comments of the Wireless Internet Service Providers Association Regarding the Initial Regulatory Flexibility Analysis, GN Docket No. 14-28 (filed July 16, 2014).

⁴ See *NPRM* at 5626, Appendix A, Proposed Rule Section 8.3.



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- Increased compliance obligations associated with multiple and more detailed disclosures;
- Increased reporting obligations;
- Increased compliance costs that would be borne by small businesses and passed through to subscribers;
- Increased enforcement risk stemming from additional regulatory obligations; and
- Over-regulation as a deterrent to deployment, investment and new entry by small, minority- and women-owned businesses.

I added that adoption of burdensome regulations, especially under Title II authority, would contravene the objectives of Section 706.

A portion of the discussion among the meeting attendees concerned “commercially unreasonable practices” and “reasonable network management practices.” In its Comments, WISPA provided specific examples of network management practices that would be deemed *per se* unreasonable and those that would be protected by “safe harbors.”⁵ WISPA is reviewing its recommendations and will, if warranted, provide additional details and modifications in the record.

WISPA appreciates the opportunity to participate in stakeholder meetings and looks forward to further engagement with the Commission in this important proceeding.

Pursuant to Section 1.1206 of the Commission’s Rules, this letter is being filed electronically via the Electronic Comment Filing System in the above-captioned proceeding.

Respectfully submitted,

Stephen E. Coran
*Counsel to the Wireless Internet Service
Providers Association*

cc: Attached List

⁵ See Comments of the Wireless Internet Service Providers Association, GN Docket No. 14-28 (filed July 16, 2014), at 30-32.

List of Attendees

Organization	Attendee Name
FCC	Thomas Wheeler, Chairman
FCC	Daniel Alvarez, Office of the Chairman
FCC	Jonathan Sallet, Office of the General Counsel
FCC	Roger Sherman, Wireless Telecommunications Bureau
FCC	Matthew DelNero, Wireline Competition Bureau
FCC	Eric Feigenbaum, Office of Media Relations
FCC	Stephanie Weiner, Office of the General Counsel
CTIA	Scott Bergmann
AT&T	Bob Quinn
Verizon	Kathleen Grillo
T-Mobile	Kathleen Ham
Sprint	Vonya McCann
CCA	Rebecca Thompson
Rural Wireless Association	Erin Fitzgerald
US Cellular	Grant Spellmeyer
Mobile Future	Jonathan Spalter
WISPA	Stephen Coran